IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5219 OF 2005
IN
FIRST APPEAL NO.2125 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.I.S.Ingale for the applicant.
Mr.P.R.Arjunwadkar for respondent nos.1 and 2.
Mr.K.K.Tated AGP for respondent no.3.

CORAM: SMT.RANJANA DESAI &
D.B.BHOSALE, JJ.

DATED: 6TH FEBRUARY, 2006.

P.C.:

. In this civil application, Ichalkaranji Municipal Council has prayed that execution, operation and effect of the impugned judgment and award dated 25.4.2005 passed by the 1st Adhoc Ld.Additional District Judge, Kolhapur in Land Reference No.6 of 2000 be stayed.

2. We are informed that the amount of compensation was enhanced from Rs.420/- to Rs.800/- per sq. meter. The applicant - Ichalkaranji Municipal Council had filed the appeal on 8th August, 2005. However, on 25th August,

2005 the entire enhanced compensation was withdrawn by respondent nos.1 and 2 on furnishing security bond of Sunil Shankarrao Bedagkar. The enhanced compensation is about Rs.24,97,191/-. The learned counsel Shri Ingale stated that such huge amount is withdrawn without furnishing any bank guarantee or any solvent security. He, therefore, submitted that respondent nos.1 and 2 be directed to furnish bank guarantee. We have heard Mr.Arjunwadkar, learned counsel for respondent nos.1 and 2. In the circumstances we pass the following order:

. Respondent nos.1 and 2 are directed to give bank guarantee to the satisfaction of trial court as regards 50% of total enhanced compensation. So far as rest of the amount is concerned, respondent nos.1 and 2 shall furnish security to the satisfaction of the trial Court.

. Civil application is disposed of in the aforestated terms.

(D.B.Bhosale,J.) (Smt.Ranjana Desai,J.)